

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ELLIOTT J. SCHUCHARDT,
individually and doing business as
the Schuchardt Law Firm,

CIVIL DIVISION

Case No. 2:14-cv-00705-CB

Plaintiff,

v.

BARACK H. OBAMA, in his capacity as
President of the United States; JAMES
R. CLAPPER, in his official capacity as
Director of National Intelligence; ADM.
MICHAEL S. ROGERS, in his official
capacity as Director of the National
Security Agency and Chief of the
Central Security Service; and JAMES
B. COMEY, in his official capacity as
Director of the Federal Bureau of
Investigation,

Defendants.

**MOTION FOR LEAVE TO TAKE DEPOSITION OF EDWARD SNOWDEN
PURSUANT TO RULES 30(b)(4) AND 26(d)(1) OF THE
FEDERAL RULES OF CIVIL PROCEDURE**

The Plaintiff, Elliott J. Schuchardt, individually and doing business as the Schuchardt Law Firm, files this motion for leave to take the deposition of Edward Snowden pursuant to Rules 30(b)(4) and 26(d)(1) of the Federal Rules of Civil Procedure. In support hereof, the Plaintiff states as follows.

Background

1. The Plaintiff commenced this action by filing a complaint with this Court on June 2, 2014.
2. The complaint contends that the Defendants are intercepting, accessing and storing (hereafter, "collecting") large quantities of e-mail and other data created by United States citizens.

3. This information includes the *full content* of e-mail currently stored by Microsoft, Yahoo, Google, Facebook and several other internet service providers.

4. The Plaintiff contends that the Defendants' collection of such information violates the Fourth Amendment of the United States constitution. Such amendment states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

5. Schuchardt contends that the Defendants' collection of such information poses a grave threat to the people of the United States, by allowing a small group of persons within the federal government access to the most private communications of the citizenry, without any sort of judicial review.

6. The purpose of this case is *not* to damage the intelligence capabilities of the United States. The purpose is to gently migrate the United States government to a more stable platform, where e-mails are kept by third party providers, and government access is subject to judicial orders, as required by the Fourth Amendment.

Relief Requested

7. On October 20, 2014, the Defendants filed a motion to dismiss the case, based partly, on the reasonableness of the Plaintiff's allegations.

8. The Plaintiff would like to take the deposition of Edward Snowden for purposes of opposing the motion to dismiss, and for use later in the case.

9. Snowden is a former United States government employee who claims to have personal knowledge of the facts set forth in the complaint.

10. Snowden is currently residing in Russia, but is believed to be accessible by means of video conference.

11. In March 2014, Snowden appeared by means of a "video robot" at the TED conference held in Vancouver, Canada. During such appearance, Snowden stated that the Defendants had access to the "full content" of Americans' e-mail. His appearance can be viewed on the internet at www.ted.com.

12. Snowden later appeared by means of the same video robot at the offices of his lawyers, at the ACLU in New York City.

13. According to Rule 30(b)(4) of the Federal Rules of Civil Procedure, this Court has the authority to authorize a deposition to be taken by remote means.

14. In addition, according to Rule 26(d)(1), the Court has authority to authorize that a deposition be taken at this time in the case.

15. Given the importance of this case – and the *feasible nature of the ultimate relief requested by Schuchardt* -- the Plaintiff submits that it is appropriate for the Court to authorize a deposition at this time, and by remote means.

* * *

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court approve the attached order authorizing a deposition of Edward Snowden by remote means.

Respectfully submitted,

By: /s/ Elliott J. Schuchardt
Elliott Schuchardt
PA I.D. #78911

SCHUCHARDT LAW FIRM
U.S. Steel Tower, Suite 660
600 Grant Street
Pittsburgh, PA 15219
Phone: (412) 414-5138
E-mail: elliott016@gmail.com

CERTIFICATE OF SERVICE

I, Elliott Schuchardt, hereby certify that I served a true and correct copy of the foregoing motion on the following person on this 23rd day of October 2014 by means of the Court's CM / ECF electronic filing system:

Marcia Berman, Esq.
United States Dept. of Justice
marcia.berman@usdoj.gov
Counsel for the Defendants

/s/ Elliott Schuchardt
Elliott J. Schuchardt